

RECEIVED
FEDERAL ELECTION COMMISSION
2016 SEP 27 AM 7:55

BEFORE THE FEDERAL ELECTION COMMISSION

CELA

)
)
)
MUR 7119

**RESPONSE OF DONALD J. TRUMP FOR PRESIDENT, INC. AND TIMOTHY JOST,
AS TREASURER, TO THE COMPLAINT**

By and through undersigned counsel, Donald J. Trump for President, Inc., (the "Committee") and Timothy Jost, as Treasurer (collectively, "Respondents") respond to the Complaint in the above-captioned MUR. We respectfully request that the Commission find there is no reason to believe a violation has occurred, dismiss the complaint, and close the file.

I. BACKGROUND

Without factual or legal support, the Complaint in this matter alleges that an independent expenditure-only committee called the Americans for Liberty and Free Enterprise ("ALFE") has coordinated with the Committee and has made contributions to the Committee. But other than the complaint's attachment of an on-line report about a gathering of 30 supporters and complainant's conclusory assertions that a Super PAC paid for campaign expenses and is openly coordinating activities, it is unclear upon what specific set of facts or circumstances complainants rely to make such allegations. Notably, the Complaint was signed by Brad Woodhouse and styled as filed by the American Democracy Legal Fund. American Democracy Legal Fund is one part of a cluster of organizations that also includes Correct the Record—a Super PAC which is openly coordinating with Hillary for America. See Matea Gold, *How a Super PAC Plans to Coordinate Directly with Hillary Clinton's Campaign*, Washington Post (May 12, 2015). That this Complaint comes from ADLF is indication of its plainly partisan and political nature.

2025-01-14 14:00:01

It short, the Complaint lacks any merit. The Commission's enforcement procedures require complaints to "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation" and "differentiate between statements based upon personal knowledge and statements based upon information and belief." 11 C.F.R. § 111.4. This complaint fails in both regards, asserting facts that are not true and not substantiated by a "source of information which gives rise to the complainants belief in the truth of such statements." *Id.* The Reason to Believe standard requires even more. See MUR 6554 (Friends of Weiner), Factual & Legal Analysis at 5 ("The Complaint and other available information in the record do not provide information sufficient to establish [a violation]."); MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 2 ("Unwarranted legal conclusions from asserted facts will not be accepted as true."). This complaint meets neither threshold and should be dismissed.

II. ANALYSIS

A. *The Complaint fails to allege facts sufficient to establish a violation and therefore should be dismissed.*

The Complaint's only operative factual assertion regarding the Committee is that "ALFE sponsored a Trump for President campaign unity rally that included speeches from Juli Haller, a Trump for President campaign staffer." It is apparently on this sole, conclusory sentence that complainants base allegations that "ALFE incurred and paid for campaign expenses . . . and made impermissible contributions to the Donald J. Trump for President campaign committee" and "ALFE has been openly coordinating its activity with Trump's campaign committee." But it is unclear upon what information or belief the factual assertion is based—or how, if true, it would give rise to the allegations.

First, there is no indication in either of the cited reports that the event in question was a campaign event. Both termed the event a "unity rally" and indicated that the event was organized by ALFE PAC. It appears from the reports that the event was a gathering of about 30 people at the restaurant owned by the Super PAC vice president. *Id.* There is no factual basis for complainant's assertion that this event was a campaign event, and the Committee has no knowledge of or further information concerning the event. ALFE, like other Super PACs and other organizations, is entitled to gather people, support candidates, and discuss issues of importance without such activities being a contribution to the campaigns or candidates they may support.

Second, Juli Haller is not a campaign staffer, is not on campaign payroll, and is not an agent of the campaign. She does not appear in the campaign's staff records. The references to Juli Haller in the cited reports was merely as a "campaign representative" speaker or "with the Trump Campaign." Norman K. Styer, *Trump Supporters Gear Up Loudoun Campaign*, LoudounNow (July 7, 2016); Sydney Kashiwai, *GOP super PAC urges on-the-fence voters to support Trump*, Loudoun Times-Mirror (July 6, 2016). But such appellations are given by a reporter, not from a verified source, and even those reports do not indicate or suggest that she was a campaign staffer. She was reportedly one of a number of Trump supporters to have spoken at the event. *Id.* There is no factual basis for the complainant's assertion that Ms. Haller was a staffer for the Committee and the Committee has no further information regarding Ms. Haller's participation in the event.

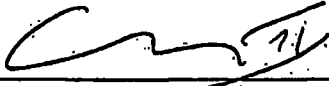
B. *Even if the factual assertion was true—which it is not—the complaint fails to allege violation of the law or basic facts that could give rise to a Reason to Believe finding.*

But even if Ms. Haller had been affiliated with the campaign—which she was not—her mere presence or participation would neither be indication of coordination nor of converting the

independent event into a campaign event. First, mere affiliation with the campaign does not make a person an agent thereof. Second, there is no allegation of private information being shared. The apparent (and incorrect) factual basis for this complaint was solely that an alleged campaign staffer spoke at a Super PAC event. But the Commission explicitly allows agents of a campaign to speak and otherwise appear at Super PAC events, even those that implicate solicitation of funds. See Advisory Opinion 2015-09 (Senate Majority PAC and House Majority PAC). In no way does the mere appearance of a supposed campaign staffer trigger the conduct prong for coordinated contributions, nor does the appearance of a campaign staffer at a Super PAC event convert it into a campaign event.

III. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Commission find that there is no reason to believe a violation occurred, dismiss the matter and close the file.



Donald F. McGahn II
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001
(202) 879-3939

*Counsel, Donald J. Trump for President, Inc. &
Tim Jost, as Treasurer*